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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/349,676 | 07/08/1999 | KRISTEN DIANE ONDECK | PHA-23.681 | 6934 |

7590 11/22/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Unacceptable Appeal Brief

The arguments presented in the Brief, filed on 07/28/2,004, do not address the rejection mailed on 04/15/2,004. In fact, the Applicant's arguments are based on a 103 Rejection in which the claimed invention is said to unpatentable over Goldman in view of Scroggie. However, the Scroggie's reference was removed from the present Office Action. Therefore, the present arguments are null and void. Applicant is required to withdraw the current arguments and submit new arguments directed to the current Office Action, as it now stands, before an Examiner's Answer can be issued. A short statutory period (30 days or a month) is herein being given to respond to this correspondence.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327


Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

11/17/04


Jean D. Janvier

Patent Examiner